

## Message Text

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CINCPACREP GUAM UNN

C O N F I D E N T I A L USUN 0642

DEPT PASS INTERIOR FOR DOTA AND OMSN

CINCPACREP GUAM FOR HICOM AND STATUS LNO

E.O. 11652: GDS

TAGS: PFOR, UN, TC, TQ

SUBJECT: TRUST TERRITORY OF THE PACIFIC: UNGA AGENDA

REF: USUN 594

1. SUMMARY. WE HAVE BEEN CONCERNED TO TAKE EVERY PRACTICABLE MEASURE TO REDUCE THE EXPOSURE OF QUESTIONS CONCERNING MICRO-NEZIA AT THE 31ST GENERAL ASSEMBLY THIS FALL. SINCE THE APPEARANCE ON THE GA'S AGENDA OF ANY ITEM ON THE WORK OF THE TRUSTEESHIP COUNCIL WOULD ENCOURAGE ASSERTIONS OF GA OR COMMITTEE OF 24 JURISDICTION AND STIMULATE ATTACKS ON THE US, WE CONTINUED OUR DISCUSSION OF THIS QUESTION WITH UNDER SYG FOR GA AFFAIRS BUFFUM ON 18 FEBRUARY. THIS DISCUSSION CONFIRMED HELPFULLY THE OPINION EARLIER GIVEN BY LEGAL COUNSEL SUY THAT THE SECRETARIAT SHOULD NOT PLACE A "TC REPORT" ITEM ON THE PROVISIONAL AGENDA FOR THE 31ST GA WHICH IS DRAWN UP FOR RELEASE ON 15 JULY IF, BY THAT TIME, THE TC HAS DECIDED AGAINST MAKING SUCH A REPORT. THE DEPARTMENT AND WE WILL NEED TO BEAR IN MIND THE IMPORTANCE OF HAVING THE TC MAKE SUCH A DECISION ON A TIMELY BASIS, I.E., BY 1 JULY,  
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WHICH WILL LIKELY REQUIRE AN APPROACH IN PARIS TO ENSURE

FRENCH SUPPORT IN THE TC. END SUMMARY.

2. DETAILS. MISOFFS CALLED ON BUFFUM TO NOTE AND REGRET THE INCLUSION ON THE PRELIMINARY LIST OF ITEMS FOR THE 31ST GA OF A "REPORT OF THE TRUSTEESHIP COUNCIL" ITEM, THE PRELIMINARY LIST HAVING BEEN DISTRIBUTED TO MISSIONS 17 FEBRUARY UNDER A/31/50 BEARING A 13 FEBRUARY PRINTING DATE. WE SUGGESTED THAT THE APPEARANCE OF THE PRELIMINARY LIST WITHOUT OUR BEING INFORMED OF AN IMMINENT ADVERSE DECISION WAS A LITTLE SURPRISING IN VIEW OF USUN'S DISCUSSION OF PRACTICE AND PRECEDENTS WITH BUFFUM AND LEGAL COUNSEL SUY, AND TC PRESIDENT MURRAY'S CONVERSATIONS WITH BUFFUM AND UNDER SYG FOR DECOLONIZATION TANG. OBSERVING THAT THE NEXT FORMAL PUBLICATIONS WITH REGARD TO THE 31ST GA AGENDA WILL BE THE APPEARANCE OF THE ANNOTATED PRELIMINARY LIST ON 15 JUNE AND THE PROVISIONAL AGENDA ON 23 JULY, MISOFFS DREW ATTENTION TO SUY'S ASSURANCE THAT IF THE TC WERE TO TAKE A DECISION AGAINST SUBMITTING A REPORT TO THE GA BY THE TIME OF THE PREPARATION OF THE PROVISIONAL AGENDA, THE SECRETARIAT WOULD NOT INCLUDE ANY ITEM ON THE TC ON THE PROVISIONAL AGENDA. BUFFUM AND GAZARIAN (THE RESPONSIBLE AND LONGTIME OFFICER IN BUFFUM'S OFFICE) CONCURRED THAT SUY'S VIEW IS CORRECT. GAZARIAN NOTED THAT THE SECRETARIAT'S RECENT DECISION TO EXCLUDE AN ICJ REPORT ITEM DUE TO THE COURT'S DECISION AGAINST SUBMITTING A REPORT WOULD BE A SOLID PRECEDENT.

3. BUFFUM EXPLAINED THAT UNDER SYG TANG HAD SPOKEN TO HIM ON 13 FEBRUARY SAYING HE, TANG, WOULD NOT AGREE TO DELETION OF THE TC REPORT ITEM FROM THE PRELIMINARY LIST; THIS WAS A PREROGATIVE OF THE GENERAL COMMITTEE, NOT THE FUNCTION OF THE UN SECRETARIAT. BUFFUM HAD REMINDED TANG OF THE SYG'S DESIRE TO REMOVE INESSENTIAL ITEMS FROM THE GA AGENDA AND HAD OBTAINED TANG'S AGREEMENT TO JOINING BUFFUM IN SUGGESTING TO WALDHEIM THAT WALDHEIM SHOULD RECOMMEND DELETION OF THE TC REPORT ITEM IN THE SYR'S RECOMMENDATIONS TO THE GENERAL COMMITTEE IN SEPTEMBER. MISOFFS OBSERVED THAT THIS WAS NOT A DESIRABLE SCENARIO SINCE, GIVEN RECENT TRENDS IN THE COMPOSITION OF THE GENERAL COMMITTEE, THE GC COULD NOT BE EXPECTED TO ACT AFFIRMATIVELY ON A WALDHEIM RECOMMENDATION AGAINST INSCRIPTION. BUFFUM REPLIED THAT THE SIGNIFICANT ELEMENT IN TANG'S CONFIDENTIAL

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CONVERSATION HAD BEEN HIS READINESS TO AGREE THAT THE TC REPORT ITEM SHOULD NOT BE ON THE 31ST GA'S AGENDA; THE DETAILS COULD BE WORKED OUT. IN ANY EVENT HE DID NOT ANTICIPATE TANG WOULD OPPOSE THE SECRETARIAT'S EXCLUSION OF THE ITEM FROM THE MID-JULY PROVISIONAL AGENDA IF, BY THAT TIME, THE TC HAD DECIDED NOT TO TRANSMIT A REPORT TO THE GA.

4. MISOFFS CALLED ATTENTION TO THE IMPORTANCE OF THE ANNOTATED

PRELIMINARY LIST WHICH, SINCE IT IS SCHEDULED FOR ISSUANCE ON 15 JUNE, WILL HAVE BEEN PREPARED AND RELEASED BEFORE THE TC MEETS, AND CERTAINLY BEFORE THE TC HAS DECIDED WHETHER TO MAKE A REPORT TO THE GA. IN VIEW OF THE DEEP INVOLVEMENT OF THE US, WE ASKED FOR AN OPPORTUNITY TO BE CONSULTED ON THE WORDING OF THE ANNOTATION WHICH THE SECRETARIAT WILL PREPARE FOR THE TC REPORT ITEM. WE NOTED THAT LAST YEAR'S ANNOTATION (A/10100, PARA 13), WITH ITS ASSUMPTION THAT THE TC REPORTS TO THE GA AS A MATTER OF COURSE, IS NO LONGER VALID IN THE NEW SITUATION IN WHICH THE TC'S SOLE BUSINESS IS A STRATEGIC TRUST. REPETITION OF AN ANNOTATION OF THAT CHARACTER COULD EXACERBATE CRITICISM IN THE GA OF A TC DECISION AGAINST REPORTING TO THE 31ST SESSION. IN RESPONSE TO BUFFUM'S QUESTION, MISOFFS SUGGESTED THAT THE ANNOTATION THIS YEAR SHOULD LEAVE THE MATTER COMPLETELY OPEN; IT COULD STATE SIMPLY THAT THE TTPI, A STRATEGIC TRUST, REMAINS BEFORE THE TC, AND THAT IT WOULD BE UP TO THE TC TO DECIDE WHETHER TO MAKE A REPORT TO THE GA IN ADDITION TO ITS REPORT ON THE TTPI TO THE SECURITY COUNCIL. BUFFUM THOUGHT HIS OFFICE COULD BE MORE HELPFUL; THEY COULD TRY TO LIMIT THE ANNOTATION TO AN OBSERVATION THAT THE REMAINING BUSINESS OF THE TC CONCERNS THE TTPI, A STRATEGIC TRUST, AND NO MENTION WOULD BE MADE OF ANY POSSIBLE REPORT TO THE ASSEMBLY. WE EXPRESSED THANKS FOR THIS FORTHCOMING VIEW. BUFFUM SAID HIS OFFICE WAS WORKING TOWARD THE SAME GOAL AS USUN; THEY UNDERSTAND OUR VIEW THAT THE TC SHOULD REPORT ONLY TO THE SECURITY COUNCIL IN VIEW OF ARTICLE 83(1) OF THE CHARTER, AND THE NEED TO PRESERVE US RIGHTS THEREUNDER. THE MEETING CLOSED WITH AN OFFER BY GAZARIAN TO SHOW US THE ANNOTATION HE WILL DRAFT BEFORE HE GOES ON HOME LEAVE ON 8 JUNE.

5. IN A SEPARATE CONVERSATION, TC PRESIDENT MURRAY TOLD MISOFF HE WOULD BE CALLING ON BUFFUM TO REGISTER REGRET AT THE APPEARANCE OF THE PRELIMINARY LIST WHILE HE, MURRAY, CONFIDENTIAL

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WAS DISCUSSING THE MATTER WITH TANG. UKUN MISOFF RICHARDSON ALSO INFORMED US THAT UKUN'S LEGAL STUDY ON THE MATTER AND THE RELATED QUESTION OF THE PROVISIONAL AGENDA FOR THE TC HAS BEEN GIVEN IN CONFIDENCE TO THE SECRETARIAT. FOR A SUMMARY OF THE UKUN STUDY SEE USUN 477. SHERER

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